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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-second session

SUMMARY RECORD OF THE 1261st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 March 1998, at 10 a.m.

Chairman: Mr. SHERIFS

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Fourteenth periodic report of Yugoslavia (CERD/C/299/Add.17; HRI/CORE/1/Add.40) (continued)

1. At the invitation of the Chairman, the Yugoslav delegation resumed its places at the Committee table.

2. Mr. de GOUTTES said that the events taking place in Kosovo and the other incidents of racial discrimination that were continuing in the Republic of Yugoslavia fell squarely under the application of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee was therefore competent to consider the question and, in view of international feelings about the problem, it could also be of interest to the Commission on Human Rights whose next session was to begin shortly.

3. Information reaching the Committee on the subject was extremely contradictory; yet, to say the least the report of the State party (CERD/C/299/Add.17) painted an optimistic picture of the situation in discussing at length (for example in paragraphs 39 to 42) the rights enjoyed by ethnic Albanians.

4. The Committee would like to hear frank and unequivocal information from the Albanian delegation itself in connection with the facts reported by various non-governmental organizations (NGOs), including Amnesty International, which condemned the arrests, executions and ill-treatment allegedly experienced by the Albanians of Kosovo, attacks against the civilian population, and discrimination in respect of political and language matters as well as in employment, education, health and information.

5. Reverting to a question raised by the Country Rapporteur, Mr. Rechetov, he would like to know whether the Belgrade Government was prepared to revive the good offices mission that the Committee had sent to Kosovo in 1993 in an attempt to bring the parties closer together.

6. He would also like to know whether the Belgrade authorities intended to improve their cooperation with the International Criminal Tribunal for the Former Yugoslavia. Could the delegation indicate how many criminals the Government had handed over to that Tribunal and how many had been brought before national courts and convicted?

7. Lastly, what action would the Yugoslav authorities take on the new plan of action and the proposals of the six countries comprising the Contact Group (France, Germany, Italy, Russia, the United Kingdom and the United States) which had entrusted Félipe Gonzalez with a mediation mission to Kosovo? He recalled that the plan called for the withdrawal within 10 days of the special Yugoslav units responsible for repression in the province and cessation of the activities of the security forces against the civilian population, access for the Red Cross and other humanitarian organizations, and a commitment to

initiate a dialogue with the leaders of the Albanian community in Kosovo. The Contact Group, although not in favour of Kosovo's independence, also wanted that province to be granted a greater degree of autonomy.

8. He sincerely hoped that the presence of the Yugoslav delegation would make it possible to tackle all those problems in a frank manner.

9. Mr. NOBEL said that the Country Rapporteur, Mr. Rechetov, had analysed the report under consideration in an admirable manner. However, he had not quite understood his reference to the decision of a German court which had allegedly refused to recognize the Albanians of Kosovo as asylum seekers. A decision of that nature should be interpreted with caution: on the one hand, the case law of the court on requests for asylum was probably quite limited, and on the other it should be borne in mind that the grant of refugee status depended on the concept of "persecution", a term which was unfortunately not defined in the Convention relating to the Status of Refugees. According to the HCR Manual, harassment and discrimination did not in themselves constitute "persecution". The German court's decision not to grant asylum in the case referred to did not, therefore, imply that the asylum seeker had not been discriminated against in his country of origin.

10. He added that the restrictive policy adopted by the western European countries with respect to asylum seekers who had not been persecuted throughout the territory of their country of origin was often unacceptable from the human rights standpoint and should be a matter of concern for the Committee.

11. As for the report proper, he subscribed fully to the observations of other members of the Committee. The problem of discrimination against Albanians was not new and he recalled that, in his youth, he had personally been acquainted with Albanian lawyers, doctors or university professors from Kosovo who had spoken of the humiliation they suffered at the hands of the Serbs.

12. If, as a result of demographic growth, a national minority in a country became the majority and was denied its rights, the consequences were inevitably explosive. The State party was responsible for reviving the dialogue and for the implementation of international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, in Kosovo.

13. Mr. BANDON said he wholeheartedly endorsed the points made by previous speakers who had expressed themselves in a calm and measured way, even if they were deeply concerned by or even indignant about the situation prevailing in the State party.

14. He wished to add a few personal observations. With respect, for example to the application of article 3 of the Convention, the Federal Republic of Yugoslavia stated in paragraph 45 of its report that it was trying to promote the equality of men. Yet it was common knowledge that segregation existed in the country and that it contributed in large measure to the deterioration of the political situation. Such facts should be recognized and discussed openly. As for the recent events in Kosovo, the Serbian authorities stated

that they made a distinction between the Albanian population and Albanian terrorists. Yet in view of what was actually happening, was that distinction really made by the Serbian police?

15. Similarly, he seemed to recall that an agreement had been signed in August 1996 on the normalization of relations with the Croatians who were even more numerous in the territory of the Federal Republic of Yugoslavia. Yet one year later that agreement had still not been implemented and the question of their right to nationality was still in abeyance; many of them were therefore stateless. Those who had left Yugoslavia because they had refused to fight against Croatia were unable to return. According to information which had recently been brought to his attention, the local authorities in the town of Zemun were driving the Croatians from their homes and jobs, and children of Croatian origin were no longer admitted to nursery schools. In Subotica, where the Croatians accounted for 30 per cent of the population, no more than a handful occupied public posts.

16. It might well be that such practices, which were completely contrary to the provisions of the Convention, also impinged on other segments of the population. He hoped that the Serbian delegation would take those points up in its next report and indicate clearly whether the Yugoslav authorities intended to accept the amendment to article 8, paragraph 6 of the Convention and to make the declaration under article 14.

17. Mrs. SADIQ ALI said she had listened carefully to previous speakers and had the feeling that everything, or practically everything, had been said on the subject of Kosovo. She would therefore simply request the Yugoslav delegation for additional information on a number of specific issues concerning education and health. According to a report on the human rights situation in Kosovo, segregation prevailed in the primary schools and Serbian and Albanian children had to attend separate classes, in some cases in turn. Older Albanian children had to study in private schools run by individuals. Equality in education was therefore a thing of the past. Furthermore, the deterioration of the economic situation due to shortcomings on the part of the authorities had had a negative impact on the health care system, bringing about, among other things, an increase in the infantile mortality rate, a sharp rise in the number of cases of child malnutrition and a decline in vaccination rates.

18. The Bulgarian minority of over 25,000 persons was also apparently discriminated against in terms of education, culture and information. Bulgarians were systematically made out to be the enemies of the Serbs in school textbooks, and that minority was apparently finding it very difficult to preserve its cultural identity and language. For example, there were virtually no news programmes in Bulgarian.

19. Lastly, the State party apparently tended to confuse religion and membership of an ethnic group, and religious minorities - particularly the Catholic minority consisting mostly of Hungarians and Croatians - were allegedly the target of discrimination and harassment, and even violence.

20. She sincerely hoped that the Yugoslav delegation would provide specific information on all those points and also supply accurate facts and figures on the demography and precise composition of the country's population.

21. Mr. SHAHI endorsed Mr. van Boven's observations concerning the shortcomings of the report and in particular the absence of information about events in Kosovo, on the situation of the Roma and on the prosecution of war criminals by the courts.

22. In general, it could be said that, as the report provided information above all on constitutional provisions and various laws in force but not about their practical application, it failed to offer a basis for a genuine dialogue. He also noted that no action had been taken on the Committee's previous observations.

23. It was not enough to say that steps should be taken to prevent the outbreak of a new conflict in Kosovo. What was needed urgently was the investigation of abuses committed by the Serbian police forces in that province and action to put an end to them. If it was claimed that terrorism was being combated, why were women and children being attacked? Since Yugoslavia allegedly had "nothing to hide", the Red Cross and other humanitarian organizations should be allowed into Kosovo.

24. Similarly, cooperation should be established with the international community so that war criminals could be brought before the International Criminal Tribunal at The Hague.

25. If the Serbs genuinely intended to settle the problem of Kosovo in accordance with international norms, they should demonstrate their determination by cooperating with the Contact Group and restoring, at the same time as autonomy, the dialogue with the Albanian authorities of the province. As Mr. Nobel had rightly emphasized, a policy of oppression in the present context could only lead to disaster.

26. Noting that some of his colleagues had invoked the Committee's General Recommendation XXI (HRI/GEN/1/Rev.3) he read out the two first sentences of its paragraph 11. He pointed out that, although it was not the Committee's intention to authorize or encourage any action likely to affect all or part of the territorial integrity or political unity of sovereign and independent States, it was nevertheless of the view that States were under a duty to treat all their citizens on an equal footing without distinction as to race, religion or colour, and to respect their political rights. That recommendation should therefore be invoked with care since it was a double-edged weapon, its purpose not being simply to protect sovereign States against secession. The Committee must therefore analyse each situation as a special case.

27. Mr. YUTZIS emphasized that the Committee had consistently tried to adopt a completely even-handed approach to the difficult situation in Kosovo. It had demonstrated its desire to contribute to the settlement of the conflict by sending a good offices mission to Kosovo. He personally considered that the dramatic situation there was explained by the fact that efforts had always been made to deal with its symptoms and not its causes. Instead of pursuing a

policy aimed at curbing terrorism in Kosovo, whose main victims were civilians, it would be better to adopt a political approach which alone could offer a solution to the problem, responsibilities being shared among the parties, even if the main responsibility had to be shouldered by the Federal Republic of Yugoslavia. The presence of a delegation from the State party would no doubt enable the Committee to determine why the Federal Republic of Yugoslavia had chosen a method of that nature to settle the conflict in Kosovo.

28. Mr. LECHUGA HEVIA endorsed the general tenor of the observations made by members of the Committee. The blind and excessive repression that had overwhelmed Kosovo and resulted in large numbers of innocent victims was unacceptable. The Committee should base itself on the results of the Contact Group's work and try to help improve the situation there.

29. It was undeniable that the provisions of the Convention had been violated by the Serbian Government, which implied that the Committee should react accordingly. For the present, it should do everything possible to promote conciliation in that troubled part of Serbia and also express its views on the violation of the Convention, after taking the explanations of the State party into account.

30. Mr. HODZA (Federal Republic of Yugoslavia), Federal Deputy Minister of Justice and head of the delegation, said he had listened very carefully to Mr. Rechetov's report on his country as well as to the comments of members of the Committee. He noted with satisfaction that his country's report as well as a number of documents concerning the implementation of the Convention in the Federal Republic of Yugoslavia had been considered in detail by the Committee. His delegation appreciated the Committee's comments and observations to which his Government would attach the greatest importance.

31. Referring to the general aspects of the implementation of the Convention in Yugoslavia and Yugoslavia's attitude to the Committee, he said that his country was trying to provide the Committee with the information it needed in order to make an objective assessment of how the Convention was applied in Yugoslavia. His country considered that it was essential to respect the letter and spirit of the Convention and other applicable international instruments, to avoid any unnecessary politicization of problems and to increase its cooperation with the Committee.

32. In view of the many questions raised about the human rights situation in Yugoslavia as well as on its internal order and administration, he said it would be useful to recall the main elements of his country's position on the situation in Kosovo and Metohija.

33. In accordance with the Serbian Constitution, Kosovo and Metohija, like Vojvodina, was an autonomous entity of Serbia. However, autonomy had been granted not to the Albanian minority alone but to all citizens living in the autonomous territory of that province. The members of the Albanian minority enjoyed all the rights implicit in international norms and Yugoslavia had acceded to virtually all international human rights instruments. Consequently, it was unnecessary to grant the Albanian minority special

status; on the contrary, it should be urged to stop boycotting State institutions and to exercise, loyally and in good faith, all the rights it had been granted, like the other communities.

34. He explained in that connection that Yugoslavia had 20 national minorities, accounting for some 20 per cent of its total population. With the exception of the Albanian community, all of them exercised their rights to the full, respected the law and the national authorities, and took an active part in the economic, social and political life of the country. The federal authorities and those of the Serbian Government were determined that all questions connected with the civil rights of the inhabitants of Kosovo and Metohija and their right to rapid economic development should be tackled through political channels in accordance with the Constitution of the Republic and international norms, the principles of the Organization for Security and Cooperation in Europe, the Paris Agreements and the Charter of the United Nations. Those instruments were the subject of consensus in Serbia and enjoyed international support. It was in that spirit that the Serbian Government had called upon the officials of the Albanian minority in Kosovo and Metohija to participate in a frank and realistic dialogue, which alone would make it possible to achieve a political solution to the problems of the citizens of that province.

35. The Government had appointed its representatives to the talks that were to begin that very day at Priština. However, it appeared that the Albanian minority was refusing to participate in the dialogue that was necessary to increase confidence and restore the situation in Kosovo and Metohija to normal. The political leaders of the Albanian minority did not want to participate in a substantive dialogue, and preferred to dramatize and internationalize the situation and seek a solution in independence and secession, an objective which the members of the Committee firmly opposed. In that connection, the Yugoslav Government rejected the efforts being made by the so-called defenders of human rights and minorities in Yugoslavia which violated the rules of international law by interfering in Yugoslavia's internal affairs with a view to imposing political conditions and sanctions, without examining the substance of the problem, which could only aggravate terrorism in Kosovo and Metohija.

36. The Government of the Federal Republic of Yugoslavia respected its obligations and was prepared to cooperate fully with international human rights organizations. Effective cooperation should, in its view, be based on respect for the legitimate rights of Yugoslavia. The Government would be prepared to study a proposal by the Committee to send a new good offices mission to Yugoslavia.

37. Complete respect for the rights of the Federal Republic of Yugoslavia would help to strengthen cooperation between Yugoslavia and the Committee. His delegation hoped that the Committee would endeavour to draw up enlightened and objective conclusions on the situation in Yugoslavia reflecting a genuine desire to cooperate with Yugoslavia in order to ensure the application of the Convention.

38. Replying to a question put by Mr. Sherifis, he explained that members of national minorities participated in the country's political, economic and

social life in a normal way with the exception of some of the members of the Albanian minority who did not exercise their constitutional rights. The minorities were represented at all levels on legislative, judicial, executive, diplomatic and other decision-making bodies and occupied top-level posts in the private and public sectors. For example, 5 representatives of minorities were members of Parliament and 13 were members of the National Assembly of the Republic of Serbia. Five Secretaries of State and one deputy minister were of Albanian origin, as well as one judge of the Supreme Court of Serbia. Six members of the National Assembly of Vojvodina were from the national Hungarian minority.

39. Moreover, the Albanian community would have had over 30 seats in Parliament had it participated in the elections, and would have been in the majority in the local representative institutions of Kosovo and Metohija. He also noted that the Albanians had boycotted the last census for political reasons. Various criminal acts committed in Kosovo as well as in Macedonia demonstrated that the Albanian secessionist movement of Kosovo would stop at nothing to achieve its political ends.

40. Replying to Mr. Rechetov's question about radio and television broadcasting in Serbia, he explained that Radio-Television Serbia was an independent State-owned company and was subject to Serbia's radio and television law and not to the Law on Public Information. The main State radio and television stations, namely, RT Novi-Sad and RT Priština, employed some 7,500 persons of all nationalities from the Republic of Serbia. Numerous publications were published in Yugoslavia - many of them in the Republic of Serbia and the Republic of Montenegro, but also in Vojvodina - in various languages including minority languages such as Hungarian. At the present time there were 53 newspapers in Kosovo and Metohija - twice as many as in 1984. Yugoslavia also had a large number of independent radio and television stations, most of which were operated by the private sector. The majority were required to comply with licensing approval and regulation procedures administered by the Ministry of Telecommunications.

41. In reply to a question put by Mr. Garvalov and several other experts concerning the meaning of the words "separatism" and "terrorism" in Yugoslavia, he explained that those terms were applied to that part of the Albanian minority which was militating in favour of the secession of Kosovo and Metohija. Yugoslavia had been experiencing continuing terrorist activity, directed by the Army for the National Liberation of Kosovo, since the end of the Second World War. Yugoslavia had consistently kept the international community informed of such activities as, for example, in connection with the work of the Commission on Human Rights on the relationship between human rights and terrorism. Terrorist activities in Kosovo and Metohija during the period 1991-1997 had been discussed in the reports prepared by Mrs. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights on the human rights situation in the territory of the former Yugoslavia. During that period, there had been 107 attacks against police officers, refugee centres and members of the Yugoslav armed forces. A total of 37 persons, including 18 police officers, had been killed.

42. In that connection he condemned the racket run by the Army for the Liberation of Kosovo, victimizing Albanian refugees in Sweden, Denmark and

Switzerland in order to procure weapons. The investigations carried out in connection with the proceedings brought between 1993 and 1997 against perpetrators of terrorist acts revealed that some of them had received military training in other countries from which they had brought back weapons. Between 1996 and August 1997 74 persons suspected of terrorist activities had been charged with criminal offences in Kosovo and Metohija. For the most part they belonged to illegal organizations that were directly responsible for terrorist acts against police stations, health centres, etc., which indicated that they were already preparing far-flung terrorist operations.

43. As for the "innocent victims" of the recent confrontations, they had in fact been victims of the terrorists who had wanted to use women and children as human shields by preventing them from leaving sensitive areas despite official warnings.

44. In reply to the question on what was being done to establish the truth, he explained that the Government was endeavouring to do so in cooperation with the International Committee of the Red Cross, with which it was in permanent contact.

45. The question of bogus asylum seekers had caught the attention of several members of the Committee. He was well aware of the situation in general and particularly in Kosovo and Metohija, where he and his entire family lived. Citizens of Albanian origin did not leave Kosovo for political reasons but either to escape justice or for economic reasons. The situation in that respect had deteriorated considerably throughout the territory of Yugoslavia. Moreover, many asylum seekers were undocumented and were likely to return to Kosovo without ever having been citizens of the former Yugoslavia. Yugoslavia had signed bilateral agreements with the countries regarded as the most desirable by asylum seekers, such as Austria, Germany and Switzerland. The two latter countries had stated their intention of returning such persons to Yugoslavia. He noted in passing that there was a certain amount of contradiction between that decision and the criticism that those countries directed against Yugoslavia, but emphasized that not only the Special Rapporteur on the situation in the Federal Republic of Yugoslavia, Mrs. Rehn, but also the German Minister of the Interior had confirmed that persons who had been repatriated were once again leading a normal life.

46. Several experts had requested information on the application of the Convention in practice. He began by explaining that, during the war, intolerance had been common in Yugoslavia since the country had been very close to the theatre of operations and that it still tainted attitudes in the Federal Republic of Yugoslavia. Nevertheless, cases were sometimes brought before the courts and sentences handed down. In Montegnegro, for example, 21 persons had been sentenced to one to five years' imprisonment for attacking Muslims. Areas near the frontier with Croatia, such as Vojvodina, which had a mixed population, were potential centres of tension, but the Government of the Federal Republic of Yugoslavia had reacted and things were gradually quietening down. Croatia on the other hand was on the way to becoming Europe's most ethnically cleansed State, and one from which the Serbs were fleeing. It was surprising that international media and organizations had failed to condemn that fact.

47. Incitement to religious or racial hatred was duly prosecuted; one person had been sentenced and a certain amount of stability had been restored in Yugoslavia in 1996-1997.

48. In reply to the question concerning the registration of political parties or organizations, he said that applications were in some cases rejected, but only after the programmes and activities of the bodies and parties concerned had been examined.

49. He was rather disconcerted by the question about real property. He explained that real estate transactions were regulated by the Serb Ministry of Finance and did not involve considerations of nationality. However, it was true that the Ministry tried to prevent the inhabitants of Serbia and Montenegro from selling their houses on a massive scale since the Albanians, who were already major property owners in the region, were potentially mass buyers.

50. Since the question of the protection of the human rights of national minorities had already been dealt with in the oral presentation the previous day, he would simply recall that, apart from a Complaints Commission, there was a National Minorities Commission in the Federal Assembly. In 1996, that Commission had received 1,400 complaints, of which 900 were new and concerned real estate, legal matters or the attitude of judicial bodies or State officials. There was also a commission of that type in Serbia and in Montegnegro. Furthermore, a human rights unit in the Ministry of Justice was responsible for examining complaints lodged by individuals.

51. Mrs. SAVOVIC explained that, under the Constitution, every individual had the right to declare whether or not he was a member of this or that nationality. The reply to the question concerning persons called Yugoslavs was that over 1 million citizens of the former Yugoslavia had preferred to declare themselves Yugoslavs rather than Serbs, Muslims of Bosnia and Hertzegovina or born of mixed marriages. At the present time, almost 350,000 persons in the Federal Republic of Yugoslavia preferred to declare themselves Muslim citizens of the country called Yugoslavia. Details of the structure of the population were presented in paragraph 8 of the report, to which should be added the Turkish minority totalling 11,500.

52. Replying to the question about the presence of such a large number of Muslims in Yugoslavia, she explained that, historically, it dated only to the end of the nineteenth century and beginning of the twentieth century, namely, a period during which there had been a mass flight of refugees to the then Kingdom of Serbia, and that that population of "Muslim nationality" was essentially of Serbian origin and, to a lesser extent, of Albanian and Turkish origin. She pointed out in passing that the word Sandzak did not designate a territorial unit of the Serb Republic but a former administrative district of the Ottoman Empire.

53. On the subject of the Romanian and Wallachian minority, she explained that there were over 40,000 Romanians and close to 18,000 Wallachians. The Romanians tended to be concentrated in Vojvodina and the Wallachians in two or three communes near the Danube. The latter, who had been living in the Balkans since the middle ages - whereas present-day Serbia had emerged only in

the nineteenth century - spoke a language containing Latin, Roman, Romanian and Slavic elements. They had their own culture and traditions but were Orthodox. The question of whether they constituted a national minority or an ethnic group had not yet been settled, although a Wallachian and Romanian movement was claiming national minority status. The need for the establishment of schools specifically for Wallachian children had not yet arisen although children of Romanian mother tongue could receive education in their own language.

54. Almost 27,000 inhabitants had stated that they belonged to the Bulgarian minority, and therefore accounted for 0.2 per cent of the Yugoslav population. They were grouped in three large municipalities where Bulgarian was used side by side with Serbian in the administration as well as between individuals, for the names of streets, geographical names, the names of enterprises, etc. The system of education was bilingual and 93 per cent of the staff was Bulgarian; classes were also given in Bulgarian when a request was made by at least 15 students, the authorization of the Ministry of Education being required in respect of classes of less than 15 students. Some 200 Bulgarian students attended universities.

55. As regards cultural matters, she said that radio programmes in Bulgarian were broadcast for 15 minutes on working days and for 30 minutes on Sundays. Television programmes were also broadcast for the Bulgarian minority by the national television station; 14,000 books were sold by bookshops and the Bulgarian minority had its own cultural events and theatre and theatrical companies. It also had its own political organizations, most of which were members of the Socialist Party of Serbia.

56. The Committee had expressed concern about an inspector who had been dismissed but she explained that his dismissal had been motivated not by his national origin but the fact that he was incompetent and had been recruited on a short-term contract.

57. The Turkish minority, which was concentrated mainly around Kosovo and Metohija, consisted of 11,500 persons; 2,000 children were being provided with an elementary and secondary education in Turkish by teachers of Turkish nationality. The Turkish minority also had libraries, newspapers and reviews, organized its own artistic and cultural events, and received radio and television broadcasts in Turkish. Turks occupied positions of responsibility in the social services and the judiciary. There were 23 mosques in the town of Prizren of which 7 were protected by the State as historical monuments.

58. It could only be estimated how many Roma lived in Yugoslavia; the figure was said to be about 113,000. According to their own accounts, their situation was one of the best in Europe. Elementary education in Roma was not yet widespread because the language still lacked literary structure. But apart from that the Roma had at their disposal everything that was necessary to preserve their identity, namely their own associations and parties, several magazines and radio and television programmes. In 1997 the first religious services in Roma had been celebrated and, at the university of Novi Sad, for example, five or six budget items were reserved for students of the Roma nation.

59. Reverting to an incident which had aroused considerable feeling, namely, the arrest of a Roma minor and the burning of his community's shacks by the local population, she explained that the youth had, together with seven accomplices, raped a young girl in an extremely brutal manner, and that the reaction of the local inhabitants had reflected their indignation. The youth had been tried in accordance with the law.

60. There were 119,000 Croatians in Yugoslavia, accounting for 0.7 per cent of the population, and 74,000 in Vojvodina. Referring to the allegation that 20,000 Croatians had been driven out of Yugoslavia and were unable to return, she explained that not a single citizen had been expelled. Those who had left the country during the war had done so of their own free will. In most cases, the Croatians who had left Yugoslavia had been able to exchange their housing in Vojvodina for that - often of much greater value - of Serbs in Croatia, as was confirmed by Vojvodina's archives. She recalled that 350,000 Serbs had been driven out of Croatia.

61. Croatian was the official language in Subotica, together with Serbian and Hungarian. Radio and television broadcasts were in Croatian. A Croatian political organization, namely, the Democratic Council of Vojvodina Croatians participated in local elections and was represented in bodies of the Autonomous Province of Vojvodina. Two members of the organization had been elected to Subotica's Administrative Council. One member of the Government of the Province of Vojvodina was a Croatian. There are also various Croatian bodies, enterprises and cultural centres, particularly in Sombor. The Democratic Council of Vojvodina Croatians circulated a biweekly newspaper which was listed in the Official Register of Publications.

62. The various bodies of the Government of Vojvodina employed 165 Croatian civil servants. She assured the Committee that the authorities had not received any complaints concerning children who were unable to attend school because of their Croatian origin and that nobody - Croatian or other - had ever been driven from their home because of their origin.

63. Hungarian was taught at 83 primary schools in Vojvodina's 29 communes. There was an average of 23.5 students per class. During the current school year, a total of 27,584 Hungarian students were enrolled and over 79 per cent were taught in Hungarian. The 5,707 Hungarian students who studied in Serbian could also study the Hungarian language and culture two hours per week. Education was also provided in Slovak, Romanian and Ruthenian. Eighty per cent of students opted for instruction in their mother tongue. Lastly, in the Republic of Serbia, 10,292 primary school students were taught in Albanian; the corresponding figure for secondary school students was 1,561. Teaching in Albanian was being developed in various regions of the Republic other than Kosovo and Metohija.

64. An agreement had been concluded in 1996 between the President of Serbia and the representative of the Albanian minority concerning the return of students of Albanian origin to schools in the Serb Republic. A joint group, consisting of Serbs and Albanians, had been set up to implement the agreement but owing to the negative attitude of the Albanian representatives, no understanding had been possible since the latter refused to accept a uniform school programme and failed to propose a specific programme. They wanted the

diplomas issued to bear the emblem of the "Republic of Kosovo", which was forbidden. Despite the hostile attitude of the Albanian representatives on the joint group, the State had ensured that public school buildings were used at 90 of their capacity for instruction in Albanian so that the children of Kosovo and Metohija would not have to study with private individuals and could enjoy the same conditions as children throughout Yugoslavia.

65. On the subject of health, she said that the birth rate in Kosovo and Metohija was the highest in Europe and that the Albanian minority did not want their children vaccinated. Nevertheless, as a result of a State campaign in 1997, 97 per cent of children had been vaccinated against polio and measles, and both diseases had thus been eradicated.

66. The State had taken steps to promote human rights teaching in the elementary and secondary schools. Moreover, information was provided about international human rights instruments and NGOs organized public discussions and symposia on the subject. Furthermore, all the agreements ratified by Yugoslavia had been translated into the languages of its national minorities. A committee had been established to organize the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and in particular to make young persons aware of human rights. Lastly, the International Day for the Elimination of Racial Discrimination would be celebrated on 21 March.

67. Mr. DJORDJEVIC (Yugoslavia) considered that some of the questions put were almost of a political nature and was not sure that they fell within the Committee's mandate. Mr. van Boven, for instance, had raised the question of cooperation between the Yugoslav Government and the International Criminal Tribunal. He emphasized that Yugoslavia was cooperating with the Tribunal, and that its representative in Belgrade had access to archives and all relevant information. Moreover, Yugoslavia had, at the Tribunal's request, helped to turn over to The Hague a person who was not of Yugoslav nationality, and he pointed out that the Yugoslav Constitution prohibited handing over nationals, as indeed did most of the constitutions of other States. He recalled that the Prosecutor of the International Criminal Tribunal had visited Belgrade several times and considered that Yugoslavia would be able to improve the situation considerably in that respect.

68. On the subject of the Contact Group, the Government regarded it as a political body without a mandate to examine the question of Kosovo. However, Yugoslavia was prepared to cooperate with other bodies.

69. In reply to Mr. Shahi, he emphasized that the provisions of international law did not provide for the self-determination of national minorities but only that of peoples. The ethnic Albanians living in Kosovo constituted a national minority.

70. Mrs. NIKOLIC (Yugoslavia), replying to Mr. van Bovan, said that she did not dismiss the possibility that torture or ill-treatment had taken place in Kosovo. The Government condemned such practices. The competent bodies and courts had launched investigations into the matter and Yugoslavia had provided the Committee against Torture with statistics concerning the sentencing of officials responsible for enforcing the law: 108 had been sentenced for making illegal arrests, 23 for extorting confessions and 234 for abusing their

powers. The police was also subject to internal control. In 1993-1995, the Ministry of the Interior had instituted criminal proceedings against 12 police officers and, in Montenegro, 25 police officers had been dismissed for gross negligence.

71. She drew attention to the very general nature of the allegations contained in the reports of Mrs. Rehn, Special Rapporteur of the Commission on Human Rights on the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, and of the representative of the Centre for Human Rights in Belgrade. The Government had subsequently received a letter from Mr. Rodley, Special Rapporteur of the Commission on Human Rights on the question of torture, which mentioned only two or three cases. The Government's reply to that letter had not been included in Mr. Rodley's report. Lastly, she pointed out that Yugoslavia recognized that the Committee against Torture was competent to receive individual complaints. No complaint had been recorded so far.

72. Mr. GARVALOV said that, since there were 11,500 ethnic Turks and 26,902 ethnic Bulgarians in Yugoslavia, he had been surprised in reading paragraphs 88, 97 and 100 of the fourteenth periodic report of Yugoslavia, that in general fewer facilities were available for Bulgarians than for other minorities, and in particular the Turkish minority. Steps should be taken to improve the situation of the Bulgarian minority, and he hoped that more ample information on the subject would be included in the next periodic report.

73. The CHAIRMAN proposed that consideration of the report of Yugoslavia should be concluded at the following meeting.

74. It was so decided.

The meeting rose at 1.05 p.m.